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6 Attorney for Justin Besette

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JUSTIN BESSETTE,

14 Defendant.
15

Case No. 2:20-CR-288-APG-DJA

UNOPPOSED MOTION TO
CONDUCT A PRE-PLEA
DETERMINATION OF CRIMINAL
HISTORY

16 COMES NOW, appointed counsel, Shari L. Kaufman, Assistant Federal Public
17 Defender, hereby moves this Court request a Pre-Plea Determination of Criminal History be
18 prepared by the Probation department.
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20 1. It appears that defendant may be Armed Career Criminal eligible under
21 18 U.S.C. section 924(e). Whether Mr. Besette would be an Armed Career Criminal, or subject
22 to the Career Offender Guideline will drastically impact his sentencing exposure, negotiations,
23 and client's decision as to how he should proceed. A pre-plea determination of criminal history
24 will promote judicial economy and aid in the manner in which this case is ultimately resolved.

25 2. Undersigned counsel therefore respectfully requests an order that the
26 Department of Probation conduct a pre-plea determination of criminal history in 90 days.

1 3. Undersigned counsel has spoken to the prosecutor, Assistant United
2 States Attorney Melanee Smith regarding this request and she has no opposition. The
3 Department of Probation has also been made aware that this request is forthcoming.

4 DATED this 26th day of May 2021.

5 RENE L. VALLADARES
6 Federal Public Defender

7 By: /s/ Shari L. Kaufman

8 SHARI L. KAUFMAN
9 Assistant Federal Public Defender
10 Attorney for Justin Bessette
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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

2:20-CR-288-APG-DJA

4 Plaintiff,

ORDER

5 vs.

6 JUSTIN BESSETTE,

7 Defendant.

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10 IT IS HEREBY ORDERED that the Probation Department will prepare a Pre-Plea
11 Determination of Criminal History on Defendant Justin Bessette within 90 days.

12 DATED this the 27th day of May 2021.

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15 DANIEL J. ALBRECHTS
16 UNITED STATES MAGISTRATE JUDGE
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CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that he is an employee of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on May 26, 2021, he served an electronic copy of the above and foregoing **UNOPPOSED MOTION TO CONDUCT A PRE-PLEA DETERMINATION OF CRIMINAL HISTORY** by electronic service (ECF) to the person named below:

CHRISTOPHER CHIOU
Acting United States Attorney
MELANEE SMITH
Assistant United States Attorney
501 Las Vegas Blvd. South
Suite 1100
Las Vegas, NV 89101

/s/ Brandon Thomas
Employee of the Federal Public Defender